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OFFICE OF PETITIONS

In re Application of	:	
Yu et al.	:	
Application No. 10/024,886	:	DECISION
Filed: December 18, 2001	:	ON PETITION
For: METHOD AND APPARATUS FOR	:	
FOR MOTION DETECTION FROM	:	
COMPRESSED VIDEO SEQUENCE	:	

This is a decision on the Petition for Withdrawal of Abandonment, filed via Facsimile on February 2, 2006¹. The petition is properly treated under 37 CFR 1.181.

The petition is **granted**.

Background

The above-identified application became abandoned for failure to timely and properly reply to the non-final Office action, mailed November 22, 2004. The Office action set a three (3) month period for reply. No complete and proper reply having been filed, this application became abandoned on February 23, 2005. A Notice of Abandonment was mailed on January 25, 2006.

The instant petition

Applicant files this petition and asserts that a complete and proper reply was timely filed in this Office via facsimile on January 21, 2005. In support of this assertion, Applicant files copies of an Amendment in response to the November 22, 2004 Office action which includes a Certificate of Facsimile Transmission by Nanette Orr dated January 21, 2005, and a copy of a statement from Nanette Orr attesting to the transmission on January 21, 2005.

¹A review of the Certificate of Mailing appearing on the facsimile reveals that the Certificate is inconsistent.

In view of the above, Applicant has demonstrated timely filing of the Amendment by a preponderance of the evidence. As such, the holding of abandonment is improper and is hereby withdrawn.

No petition fee has been charged and none is due.

The application file is being referred to Technology Center Art Unit 2613 for consideration of the Amendment filed January 21, 2005, and for continued examination in due course.

Telephone inquiries concerning this matter should be directed to the undersigned at (571) 272-3232.



Derek L. Woods

Attorney

Office of Petitions